IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 34765 of 2007(L)

PETITIONER:

M.J.XAVIER, AGED 59 YEARS,
S/O.LATE M.X.JOSEPH, MANAPPURAM PALLIYIL
VATTAYAR WARD, ALAPPUZHA.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS:

---

1. THE KERALA STATE HOUSING BOARD,
REPRESENTED BY ITS SECRETARY
HOUSING BOARD BUILDING, THIRUVANANTHAPURAM.

2. THE CHIEF REVENUE OFFICER,
KERALA STATE HOUSING BOARD,
HOUSING BOARD BUILDING,
THIRUVANANTHAPURAM.

3. THE ACCOUNTS OFFICER,
KERALA STATE HOUSING BOARD,
ALAPPUZHA DIVISION OFFICE, IRON BRIDGE,
ALAPPUZHA.

4. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY NO.2
KSHB(AUTHORISED OFFICER),
ALAPPUZHA.

BY ADV. POOVAPPALLY M.RAMACHANDRAN NAIR,SC.KSHB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 34765 of 2007

Dated this the 3rd December, 2007

J U D G M E N T

The petitioner's mother Eley Joseph had availed a loan of Rs.1 lakh from the Housing Board - 1st respondent mortgaging 5 cents of property with residential building which was constructed at that point of time. Apparently, Eley Joseph repaid only Rs.35,000/- during her life time. She passed away on 22.4.2002. Her legal heirs including the petitioner herein had not repaid the amounts due. Now, there is a request from the Housing Board seeking an amount of Rs.4,09,323/-, which according to the petitioner has been reduced to Rs.2,70,550/-. Subsequently, Exhibits P4 and P5 demand notices under Revenue Recovery Act have been issued. At this juncture, the petitioner had approached this Court.

2. A counter affidavit has been filed by the 1st respondent contending that the dues as on date comes to Rs.4,10,000/-. Hence the petitioner is bound to pay the said amount.

3. After having heard the counsel on both sides, I am of the view that the petitioner may approach the 1st respondent seeking settlement of dues by requesting for waiver of defaulted interest and/ or rescheduling of the amounts payable. It is for the 1st respondent to consider the request of the petitioner.

In the circumstances, this writ petition is disposed of directing the petitioner to file a representation indicating these aspects and expressing his willingness to pay the amounts due to the Housing Board either in one lump or in instalments. He may also request for remission of interest payable by him. If such a representation is received within four weeks from today, the 1st respondent shall look into the same and take a decision determining the amounts payable and then also fix the time for payment of the same. The 1st respondent shall sympathetically consider the case of the petitioner in view of the fact that Eley Joseph is no more. The 1st respondent shall take a decision in the manner aforementioned, within three months from the date of

receipt of the representation. Further proceedings pursuant to Exhibits P4 and P5 shall be kept in abeyance provided the petitioner pays an amount of Rs.1,00,000/- along with the representation to be filed in the manner aforementioned.

(V.GIRI, JUDGE)

ma

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007